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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/157,984	09/22/1998	KWOK ON LAI	007198-353	3201

23562 7590 10/06/2005

BAKER & MCKENZIE  
PATENT DEPARTMENT  
2001 ROSS AVENUE  
SUITE 2300  
DALLAS, TX 75201

EXAMINER

HAYES, ROBERT CLINTON

ART UNIT PAPER NUMBER

1649

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20051003

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The response, filed 7/15/05, to the Ex parte Quayle action of 5/17/05 is nonresponsive, as indicated in the enclosed RAW SEQUENCE ERROR Report. Applicant must provide a new CRF, along with the appropriate statement that the CFR is the same as the paper copy, and that no new matter is present, in order to avoid ABANDONMENT of this application.

Prosecution on the merits remains closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire ONE MONTH from the mailing date of this letter, and cannot be extended past the statutory six month date from May 17, 2005, which expires on November 17, 2005.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Robert Hayes whose telephone number is (571) 272-0885. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres, can be reached on (571) 272-0867. The fax phone number for this Group is (571) 273-8300.

Information regarding this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only.

Robert C. Hayes, Ph.D.  
October 3, 2005

 **ROBERT C. HAYES, PH.D.**  
**Primary PATENT EXAMINER**

500

## STIC Biotechnology Systems Branch

### RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/157,984C  
Source: FW16  
Date Processed by STIC: 7/20/05

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/efc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05): U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/24/05

## Raw Sequence Listing Error Summary

### ERROR DETECTED

### SUGGESTED CORRECTION

SERIAL NUMBER: 09/157,984C

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1      Wrapped Nucleics  
    Wrapped Aminos     The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
  
- 2      Invalid Line Length     The rules require that a line not exceed 72 characters in length. This includes white spaces.
  
- 3      Misaligned Amino  
    Numbering     The numbering under each 5<sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
  
- 4      Non-ASCII     The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
  
- 5      Variable Length     Sequence(s)          contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
  
- 6      PatentIn 2.0  
    "bug"     A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s)         . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
  
- 7      Skipped Sequences  
    (OLD RULES)     Sequence(s)          missing. If intentional, please insert the following lines for each skipped sequence:  
 (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
 (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  
 (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
 This sequence is intentionally skipped  
  
 Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
  
- 8      Skipped Sequences  
    (NEW RULES)     Sequence(s)          missing. If intentional, please insert the following lines for each skipped sequence.  
 <210> sequence id number  
 <400> sequence id number  
 000
  
- 9      Use of n's or Xaa's  
    (NEW RULES)     Use of n's and/or Xaa's have been detected in the Sequence Listing.  
 Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.  
 In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
  
- 10      Invalid <213>  
    Response     Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
  
- 11      Use of <220>     Sequence(s)          missing the <220> "Feature" and associated numeric identifiers and responses.  
 Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.  
 (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
  
- 12      PatentIn 2.0  
    "bug"     Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
  
- 13      Misuse of n/Xaa     "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid



IFW16

## RAW SEQUENCE LISTING

DATE: 07/20/2005

PATENT APPLICATION: US/09/157,984C

TIME: 11:09:01

Input Set : D:\SEQUENCE LISTING.txt

Output Set: N:\CRF4\07202005\I157984C.raw

3 <110> APPLICANT: Hong Kong University of Science & Technology  
 4 Lai, Kwok On  
 5 Ip, Nancy Yuk-Yu  
 7 <120> TITLE OF INVENTION: CLONING OF A NOVEL NEUROTROPHIN NT-7 FROM CARP  
 9 <130> FILE REFERENCE: 32144183-000009  
 11 <140> CURRENT APPLICATION NUMBER: 09/157,984C  
 12 <141> CURRENT FILING DATE: 1998-09-22  
 14 <160> NUMBER OF SEQ ID NOS: 14  
 16 <170> SOFTWARE: PatentIn version 3.3  
 18 <210> SEQ ID NO: 1  
 19 <211> LENGTH: 133  
 20 <212> TYPE: PRT  
 21 <213> ORGANISM: Cyprinus carpio  
 23 <400> SEQUENCE: 1  
 25 Lys Ala Asn Asp Phe Leu His Arg Gly Glu Tyr Ser Val Cys Asp Ser  
 26 1 5 10 15  
 29 Glu Glu His Trp Val Gly Asn Leu Thr Gln Ala Thr Asp Leu Arg Gly  
 30 20 25 30  
 33 Asn Glu Val Thr Val Leu Pro His Val Arg Ile Asn Asn Val Val Lys  
 34 35 40 45  
 37 Lys Gln Met Phe Tyr Glu Thr Thr Cys Arg Val Ser Lys Pro Ile Gly  
 38 50 55 60  
 41 Ala Pro Lys Pro Gly Gln Gly Val Ser Gly Val Lys Ala Gly Thr Ser  
 42 65 70 75 80  
 45 Ser Cys Arg Gly Ile Asp Asn Glu His Trp Asn Ser Tyr Cys Thr Asn  
 46 85 90 95  
 49 Val His Thr Phe Val Arg Ala Leu Thr Ser Tyr Lys Asn Gln Ile Ala  
 50 100 105 110  
 53 Trp Arg Phe Ile Arg Ile Asn Ala Ala Cys Val Cys Val Leu Ser Arg  
 54 115 120 125  
 57 Asn Ser Trp Arg His  
 58 130  
 61 <210> SEQ ID NO: 2  
 62 <211> LENGTH: 519  
 63 <212> TYPE: DNA  
 64 <213> ORGANISM: Cyprinus carpio  
 66 <400> SEQUENCE: 2  
 67 ccaggccccgc gagtcgggcg gaaggccaac gacttcttgc atcgcgggcga gtactctgtg 60  
 69 tgtgacagcg aagagcactg ggttgccaac ctgacccaag ccacagactt acggggcaat 120  
 71 gaagtcacgg tgctgccaca tgctcgcac aacaacgtgg tgaagaagca gatgttctac 180  
 73 gagaccacgt gccgtgtgtc gaagcccatc gggggcccca agccgggtca aggagtcagc 240  
 75 ggcgttaaag caggaacctc tagctgtcgt gggatcgaca acgagcactg gaactcttat 300  
 77 tgcaccaacg tgcacacctt tgtgcgggcg ttaacgtcct aaaaaacca gattgcctgg 360

Does Not Comply  
 Detected Diskette Needs

pp 2-4

## RAW SEQUENCE LISTING

DATE: 07/20/2005

PATENT APPLICATION: US/09/157,984C

TIME: 11:09:01

Input Set : D:\SEQUENCE LISTING.txt

Output Set: N:\CRF4\07202005\I157984C.raw

```

79 aggttcatcc gaatcaacgc cgcttgctg tgcgtcctca gccgcaactc atggaggcat 420
81 tgactgacat attgtttcag ccaatccact gcagcctcct gtcgtaagcc cctcccaccc 480
83 atcaataata acaacagccg cactgccaac gttggtgat 519
86 <210> SEQ ID NO: 3
87 <211> LENGTH: 6
88 <212> TYPE: PRT
89 <213> ORGANISM: Artificial
91 <220> FEATURE:
92 <223> OTHER INFORMATION: Peptide
94 <400> SEQUENCE: 3
96 Tyr Ser Val Cys Asp Ser
97 1 5
100 <210> SEQ ID NO: 4
101 <211> LENGTH: 18
102 <212> TYPE: DNA
103 <213> ORGANISM: Artificial
105 <220> FEATURE:
106 <223> OTHER INFORMATION: Oligonucleotide
108 <400> SEQUENCE: 4
109 gtactctgtg tgtgacag 18
112 <210> SEQ ID NO: 5
113 <211> LENGTH: 6
114 <212> TYPE: PRT
115 <213> ORGANISM: Artificial
117 <220> FEATURE:
118 <223> OTHER INFORMATION: Peptide
120 <400> SEQUENCE: 5
122 Ile Asn Ala Ala Cys Val
123 1 5
126 <210> SEQ ID NO: 6
127 <211> LENGTH: 17
128 <212> TYPE: DNA
129 <213> ORGANISM: Artificial
131 <220> FEATURE:
132 <223> OTHER INFORMATION: Oligonucleotide
134 <400> SEQUENCE: 6
135 cacacatgca gcgttga 17
138 <210> SEQ ID NO: 7
139 <211> LENGTH: 17
140 <212> TYPE: DNA
141 <213> ORGANISM: Artificial
143 <220> FEATURE:
144 <223> OTHER INFORMATION: Oligonucleotide
146 <400> SEQUENCE: 7
147 aaatgatacg gggagcc 17
150 <210> SEQ ID NO: 8
151 <211> LENGTH: 17
152 <212> TYPE: DNA
153 <213> ORGANISM: Artificial

```

*insufficient explanation for 'Artificial Sequence'  
(give source of genetic material)  
(see item 11 on Error Summary sheet)*

## RAW SEQUENCE LISTING

DATE: 07/20/2005

PATENT APPLICATION: US/09/157,984C

TIME: 11:09:01

Input Set : D:\SEQUENCE LISTING.txt

Output Set: N:\CRF4\07202005\I157984C.raw

155 <220> FEATURE:  
156 <223> OTHER INFORMATION: Oligonucleotide  
158 <400> SEQUENCE: 8  
159 aaggggcgga gtctcag 17  
162 <210> SEQ ID NO: 9  
163 <211> LENGTH: 19  
164 <212> TYPE: DNA  
165 <213> ORGANISM: Artificial  
167 <220> FEATURE:  
168 <223> OTHER INFORMATION: Oligonucleotide  
170 <400> SEQUENCE: 9  
171 cttagatcgt gtgcccatg 19  
174 <210> SEQ ID NO: 10  
175 <211> LENGTH: 19  
176 <212> TYPE: DNA  
177 <213> ORGANISM: Artificial  
179 <220> FEATURE:  
180 <223> OTHER INFORMATION: Oligonucleotide  
182 <400> SEQUENCE: 10  
183 ggggtgagtct tcaatgctg 19  
186 <210> SEQ ID NO: 11  
187 <211> LENGTH: 19  
188 <212> TYPE: DNA  
189 <213> ORGANISM: Artificial  
191 <220> FEATURE:  
192 <223> OTHER INFORMATION: Oligonucleotide  
194 <400> SEQUENCE: 11  
195 ataacgtgga cgtgtgccc 19  
198 <210> SEQ ID NO: 12  
199 <211> LENGTH: 19  
200 <212> TYPE: DNA  
201 <213> ORGANISM: Artificial  
203 <220> FEATURE:  
204 <223> OTHER INFORMATION: Oligonucleotide  
206 <400> SEQUENCE: 12  
207 caagagcggc ccacacctc 19  
210 <210> SEQ ID NO: 13  
211 <211> LENGTH: 6  
212 <212> TYPE: PRT  
213 <213> ORGANISM: Artificial  
215 <220> FEATURE:  
216 <223> OTHER INFORMATION: Peptide  
218 <400> SEQUENCE: 13  
220 Phe Tyr Glu Thr Thr Cys  
221 1 5  
224 <210> SEQ ID NO: 14  
225 <211> LENGTH: 5  
226 <212> TYPE: PRT  
227 <213> ORGANISM: Artificial

RAW SEQUENCE LISTING

DATE: 07/20/2005

PATENT APPLICATION: US/09/157,984C

TIME: 11:09:02

Input Set : D:\SEQUENCE LISTING.txt

Output Set: N:\CRF4\07202005\I157984C.raw

229 <220> FEATURE:

230 <223> OTHER INFORMATION: Peptide

232 <400> SEQUENCE: 14

234 Ala Cys Val Cys Val

235 1 5



RAW SEQUENCE LISTING ERROR SUMMARY      DATE: 07/20/2005  
PATENT APPLICATION: US/09/157,984C      TIME: 11:09:03

Input Set : D:\SEQUENCE LISTING.txt  
Output Set: N:\CRF4\07202005\I157984C.raw

Invalid <213> Response:

Use of "Artificial" only as "<213> Organism" response is incomplete,  
per 1.823(b) of New Sequence Rules. Valid response is Artificial Sequence.

Seq#:3,4,5,6,7,8,9,10,11,12,13,14

**VERIFICATION SUMMARY**

**DATE: 07/20/2005**

**PATENT APPLICATION: US/09/157,984C**

**TIME: 11:09:03**

**Input Set : D:\SEQUENCE LISTING.txt**

**Output Set: N:\CRF4\07202005\I157984C.raw**